

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JUNE 20, 2006
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.

Commissioners Present: Deb Schorr, Chair
Bob Workman, Vice Chair
Bernie Heier
Larry Hudkins
Ray Stevens

Others Present: Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Patricia Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 9:30 a.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, June 13, 2006.**

MOTION: Heier moved and Workman seconded approval of the minutes of the Board of Commissioners meeting held on June 13, 2006. Hudkins, Workman, Heier and Schorr voted aye. Stevens abstained. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

A. Introduction of new Lancaster County Deputy Sheriffs.

This item will be rescheduled on a future agenda at the request of the Sheriff's Office.

- 3) **CLAIMS: Approval of all claims processed through Tuesday, June 20, 2006.**

MOTION: Hudkins moved and Stevens seconded approval of all claims processed through June 20, 2006. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

4) OLD BUSINESS:

- A. County Change of Zone 04074, from AG Agricultural District to AGR Agricultural Residential District, requested by Lyle Loth of ESP on behalf of Robert E. Lookabaugh, on property generally located at North 84th Street and Agnew Road in Lancaster County, Nebraska.
- B. County Special Permit 04058, Lakewood Hills Community Unit Plan, requested by Lyle Loth of ESP on behalf of Robert E. Lookabaugh, for nine residential acreage units, on property generally located at North 84th Street and Agnew Road in Lancaster County, Nebraska.
- C. County Preliminary Plat 04028, Lakewood Hills, requested by Lyle Loth of ESP on behalf of Robert E. Lookabaugh, for nine residential acreage lots, on property generally located at North 84th Street and Agnew Road in Lancaster County, Nebraska.
- D. County Final Plat 04126, Lakewood Hills, requested by Lyle Loth of ESP on behalf of Robert E. Lookabaugh, for nine residential acreage lots, on property generally located at North 84th Street and Agnew Road in Lancaster County, Nebraska.

The Clerk read Old Business Items 4A through 4D into the record.

Bob Lookabaugh, applicant, appeared and briefly reviewed the proposals. Lookabaugh also distributed documentation relating to the Comprehensive Plan (Exhibit 1).

Hudkins stated he was reluctant to approve a change of zone until there is better access to the property.

Lookabaugh indicated he would be discussing access with the neighboring landowner, however, he would like approximately two weeks to accomplish that.

Heier stated he was in favor of more lots, however, it is his feeling that there should be an approved road meeting County standards in place first.

Stevens stated the original proposal showed seven lots along the east property line and two lots along the west property line. He stated he was concerned that the proposal now shows five lots on the east line and four along the west property line which have not received approval by the Planning staff or the Planning Commission. Stevens also noted he has concerns regarding the road.

4) **OLD BUSINESS CONTINUED:**

In response to a question asked by Hudkins regarding a new plan with a road meeting County standards, Mike DeKalb, Planning Department, suggested it be sent back to the Planning Department and Planning Commission for review.

MOTION: Hudkins moved and Schorr seconded to defer County Change of Zone 04074, County Special Permit 04058, County Preliminary Plat 04028 and County Final Plat 04126 for three weeks (July 11, 2006) and request the applicant to provide a specific preliminary plat outlining the location of the nine lots, as well as design of the road (improvements and/or realignment) and concerns regarding the bridge meeting County standards. Hudkins, Heier and Schorr voted yes. Workman and Stevens voted no. Motion carried.

5) **NEW BUSINESS:**

A. A resolution in the matter of an application for Corporate Manager for Laurence Francis Splichal, in connection with a Class I (Spirits, Wine, Beer On Sale Only) liquor license for the Veterans of Foreign Wars, Post 3606, located at 3340 West "A" Street, Lincoln, Lancaster County, Nebraska. (R-06-0058)

MOTION: Heier moved and Hudkins seconded approval of Resolution 06-0058 in the matter of an application for Corporate Manager for Laurence Francis Splichal, in connection with a Class I (Spirits, Wine, Beer On Sale Only) liquor license for the Veterans of Foreign Wars, Post 3606, located at 3340 West "A" Street, Lincoln, Lancaster County, Nebraska. Hudkins, Heier, Workman, Stevens and Schorr voted aye. Motion carried.

B. A resolution authorizing the installation of the following traffic signs: (R-06-0059)

- ▶ A driveway warning sign on West "A" Street 2,200 feet west of Southwest 70th Street for westbound traffic
- ▶ "STOP" signs with all way signs for all three legs of the intersection
- ▶ A "Stop Ahead" sign 500 feet east of the intersection for westbound traffic
- ▶ A "Stop Ahead" sign 500 feet west of the intersection for eastbound traffic
- ▶ A "Stop Ahead" sign 500 feet south of the intersection for northbound traffic

The Clerk noted that the Stop signs will be located at the intersection of North 1st Street and Ashland Road.

5) **NEW BUSINESS CONTINUED:**

MOTION: Workman moved and Heier seconded approval of Resolution 06-0059 in the matter of authorizing the installation of traffic signs as listed. Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

C. A resolution in the matter of regulating a class of traffic (trucks over 26 tons) on West Old Cheney Road and authorizing the installation of a "No Trucks Over 26 Tons" traffic sign on West Old Cheney Road 200 feet east of the Homestead Expressway (Highway 77) for eastbound traffic. (R-06-0060)

MOTION: Workman moved and Heier seconded approval of Resolution 06-0060 in the matter of regulating a class of traffic (trucks over 26 tons) on West Old Cheney Road and authorizing the installation of a "No Trucks Over 26 Tons" traffic sign on West Old Cheney Road 200 feet east of the Homestead Expressway (Highway 77) for eastbound traffic. Heier, Stevens, Hudkins, Workman and Schorr voted aye. Motion carried.

D. A subdivision agreement with Country Plaza, L.L.C., County Final Plat No. 06029, West Yankee Hill Acres, on property generally located at Southwest 112th Street and West Yankee Hill Road. (C-06-0355)

MOTION: Workman moved and Hudkins seconded approval of a subdivision agreement with Country Plaza, L.L.C., County Final Plat No. 06029, West Yankee Hill Acres, on property generally located at Southwest 112th Street and West Yankee Hill Road.

DeKalb gave a brief overview of the proposal.

ROLL CALL: Workman, Hudkins, Stevens, Heier and Schorr voted aye. Motion carried.

5) NEW BUSINESS CONTINUED:

E. An agreement with Samaritan Counseling Center for after hours emergency mental health services through an emergency crisis line. The County, through the Community Mental Health Center, will provide services to clients of Samaritan Counseling Center when it is closed. The County will be paid \$50 per hour and calculated per quarter hour. Term of the agreement is July 1, 2006 to June 30, 2007. (C-06-0356)

MOTION: Stevens moved and Workman seconded approval of an agreement with Samaritan Counseling Center for after hours emergency mental health services through an emergency crisis line. Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

F. An agreement with Lincoln Psychological Services P.C. for mental health services, through Daniel Leggiadro, at the Community Mental Health Center. Term of the agreement is July 1, 2006 through June 30, 2007. The County will pay \$65 per hour for no more than 45 hours per week. The County will also pay \$100 per weekend where Dr. Leggiadro has agreed to provide on-call services. (C-06-0357)

MOTION: Workman moved and Stevens seconded approval of an agreement with Lincoln Psychological Services P.C. for mental health services, through Daniel Leggiadro, at the Community Mental Health Center. Hudkins, Stevens, Heier, Workman and Schorr voted aye. Motion carried.

G. An agreement with L.A. Young, Inc. for professional services of a nurse practitioner to assist in the provision of psychiatric services at the Community Mental Health Center. Term of the agreement is July 1, 2006 through June 30, 2007. The County will pay \$55 per hour for no more than 20 hours per week. (C-06-0358)

MOTION: Heier moved and Hudkins seconded approval of an agreement with L.A. Young, Inc. for professional services of a nurse practitioner to assist in the provision of psychiatric services at the Community Mental Health Center. Stevens, Hudkins, Heier, Workman and Schorr voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

H. An agreement with Simplex Grinnell for the inspection and testing of the fire alarm systems at the Youth Services Center. Term of the agreement is from May 1, 2006 through April 30, 2008. The County will pay \$1,781 annually for the services. (C-06-0359)

MOTION: Heier moved and Stevens seconded approval of an agreement with Simplex Grinnell for the inspection and testing of the fire alarm systems at the Youth Services Center. Hudkins, Stevens, Heier, Workman and Schorr voted aye. Motion carried.

I. An agreement with Mary L. Paine, Ph.D. for specialized psychological services at the Community Mental Health Center to assist with mental health services. Term of the agreement is July 1, 2006 through June 30, 2007. The County will pay \$65 per hour for up to 40 hours per week. The County will also pay \$100 per weekend where Dr. Paine has agreed to provide on-call services. (C-06-0360)

MOTION: Stevens moved and Workman seconded approval of an agreement with Mary L. Paine, Ph.D. for specialized psychological services at the Community Mental Health Center to assist with mental health services. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

J. Referee agreements with the following individuals for referee services to be provided to hear valuation protests filed for the 2006 tax year and to transmit information to the Lancaster County Board of Equalization. (C-06-0361)

- ▶ Gregory A. Gustafson, at a rate of \$75 per hour (C-06-0361)
- ▶ Frank W. Frost, at a rate of \$75 per hour (C-06-0362)
- ▶ Michael J. Kerrigan, at a rate of \$90 per hour (C-06-0363)

MOTION: Hudkins moved and Stevens seconded approval of referee agreements with Gregory A. Gustafson, Frank W. Frost and Michael J. Kerrigan for referee services to be provided to hear valuation protests filed for the 2006 tax year and to transmit information to the Lancaster County Board of Equalization. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

K. Agreements with the following facilities to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. The agreements set forth a reimbursement arrangement in which the County will provide payment for the medical care and the facilities will reimburse the County if/when the General Assistance client is later determined eligible for Medicaid reimbursement. The agreements are effective upon execution of both parties and contains a 30-day termination provision.

SouthPointe Family Physicians P.C.
(C-06-0364)
Southeast Nebraska Hematology &
Oncology (C-06-0365)
Orthocare Orthopedic Services, Inc.
(C-06-0366)

Lincoln Radiology Group (C-06-0367)
Lincoln Anesthesiology (C-06-0368)
Gynecology & Fertility P.C. (C-06-0369)
Monte Zysset, D.D.S. (C-06-0370)

MOTION: Hudkins moved and Stevens seconded approval of agreements with Southpointe Family Physicians P.C., Southeast Nebraska Hematology & Oncology, Orthocare Orthopedic Services, Inc., Lincoln Radiology Group, Lincoln Anesthesiology, Gynecology & Fertility P.C. and Monte Zysset, D.D.S. to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

L. Addendum to an agreement with Rochester Armored Car Company, Inc. for armored car services for the Lancaster County Treasurer's Office for an additional three year term, beginning July 1, 2006 and ending June 30, 2009. (C-06-0371)

MOTION: Stevens moved and Heier seconded approval of an addendum to an agreement with Rochester Armored Car Company, Inc. for armored car services for the Lancaster County Treasurer's Office for an additional three year term, beginning July 1, 2006 and ending June 30, 2009. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

M. Recommendation from the Purchasing Agent and the County Engineer to award a bid for one compact track loader to Murphy Tractor & Equipment Company, in the amount of \$48,815. (B-06-0027)

MOTION: Stevens moved and Hudkins seconded approval to award a bid for one compact track loader to Murphy Tractor & Equipment Company, in the amount of \$48,815 as recommended by the Purchasing Agent and the County Engineer. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

N. Authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to Progressive Construction Company, in the amount of \$1,000, for a general construction contract for the Lancaster County vehicle storage facility.

MOTION: Heier moved and Stevens seconded approval to authorize Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to Progressive Construction Company, in the amount of \$1,000, for a general construction contract for the Lancaster County vehicle storage facility. Workman, Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

O. Request from the Southeast Rural Fire Department to close "A" Street between 112th and 120th Streets to through traffic on Saturday, June 24, 2006 from approximately 8 a.m. through mid-afternoon. The closure is requested to conduct a live training exercise at 118th and "A" Streets.

Ed Zimmer, Historic Preservation with the Lincoln-Lancaster County Planning Department, stated the building which will be used for a live training exercise was most recently used by the Walton Trail Company. He added that the building dates back to 1890-1900 when it was constructed as a double commercial building with space above. Zimmer stated the building has no historic designation and is not listed on the National Register of Historic Places. He added that no one has requested a landmark designation under County or City zoning, however, it may be eligible for local landmark designation.

5) **NEW BUSINESS CONTINUED:**

Lynn Reifschneider, Southeast Rural Fire Department, appeared and indicated the present owners want to construct an automotive service garage.

Discussion followed regarding a possible delay in the exercise, specific buildings being burnt, an Emergency Management siren and access for local residents during closure of "A" Street between 112th and 120th Streets.

MOTION: Hudkins moved to defer the request for two weeks (July 11, 2006) to obtain a report/recommendation from the Emergency Management Director regarding a warning siren.

Motion failed for lack of a second.

MOTION: Workman moved and Hudkins seconded to the deny the request from the Southeast Rural Fire Department to close "A" Street between 112th and 120th Streets to through traffic on Saturday, June 24, 2006 from approximately 8 a.m. through mid-afternoon. Stevens and Heier voted no. Hudkins, Workman and Schorr voted yes. Motion carried.

Schorr indicated she erred in voting yes to close the street.

MOTION: Schorr moved and Heier seconded to reconsider the motion to deny the request.

Hudkins stated the Chair cannot make motions and asked the County Attorney's Office for guidance.

Kristy Mundt, Deputy County Attorney, stated the Board has used Robert's Rules of Order as a guide.

Doug Ahlberg, Emergency Management Director, stated the Southeast Rural Fire District had contacted him regarding their request and also inquired about the warning siren. He stated that facility protection is a part of the training process and it would be the fire district's responsibility to protect the siren and post.

ROLL CALL: Stevens, Heier and Schorr voted aye. Hudkins and Workman voted no. Motion carried.

5) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Stevens seconded approval of the request from the Southeast Rural Fire Department to close "A" Street between 112th and 120th Streets to through traffic on Saturday, June 24, 2006 from approximately 8 a.m. through mid-afternoon. Stevens, Heier and Schorr voted aye. Hudkins and Workman voted no. Motion carried.

P. A political subdivision tort claim filed against the Lancaster County Corrections Department by Jeffrey Bivens for lost property, in the amount of \$417.

MOTION: Heier moved and Hudkins seconded to accept the Director's recommendation and approve a political subdivision tort claim filed against the Lancaster County Corrections Department by Jeffrey Bivens for lost property, in the amount of \$95.33. Heier, Workman, Hudkins, Stevens and Schorr voted aye. Motion carried.

Q. Request for a refund of real property taxes from William A. Perkins for 2004, in the approximate amount of \$615.32, and for 2005, in the approximate amount of \$622.62.

William Perkins, 3410 T Street, gave an overview of his request stating he does own the duplex, however, he is the only individual living at the location.

Norm Agena, County Assessor/Register of Deeds, stated a duplex does qualify, however, it would only be applicable for the portion that the individual lives in, not the entire duplex. Agena stated if the Board was to approve the refund, they would then have to file a claim with the State Treasurer's Office for reimbursement. If the State did not agree with the Board's decision the County would then lose the money which was reimbursed. Recommendation was to deny the refund.

MOTION: Workman moved and Hudkins seconded to hold the refund request and seek an opinion from the County Attorney's Office.

Schorr requested Scott Gaines, Deputy County Assessor/Register of Deeds, to investigate refund procedures from the State Treasurer's Office.

ROLL CALL: Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

R. Appointment of the following individuals to the Lincoln-Lancaster Women's Commission:

- ▶ Loren Roberts to fulfill the unexpired term of Lori Vidlak ending on March 1, 2008.
- ▶ Gloria Aron to fulfill the unexpired term of Barbara Ramsey ending on January 1, 2007.

MOTION: Stevens moved and Hudkins seconded approval of the appoint of Loren Roberts and Gloria Aron to the Lincoln-Lancaster Women's Commission. Hudkins, Heier, Workman, Stevens and Schorr voted aye. Motion carried.

S. Setting of salary of Jeremy Lavene at \$56,000 as an attorney in the Lancaster County Attorney's Office, effective July 31, 2006.

MOTION: Hudkins moved and Stevens seconded approval of setting of salary of Jeremy Lavene at \$56,000 as an attorney in the Lancaster County Attorney's Office, effective July 31, 2006. Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

T. Promotion of the following individuals from Attorney I to Attorney II and setting of new salaries effective June 22, 2006:

- ▶ Eric Miller at \$67,002
- ▶ Lori Maret at \$64,911
- ▶ Dan Packard at \$64,210
- ▶ Krista Ideus at \$57,373

MOTION: Stevens moved and Workman seconded approval of the promotion of individuals from Attorney I to Attorney II and setting of salaries as recommended by the County Attorney, effective June 22, 2006. Heier, Stevens, Hudkins, Workman and Schorr voted aye. Motion carried.

(Commissioner Stevens exited the hearing room at 11:20 a.m..)

6) **CONSENT ITEMS:** *These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:*

A. Receive and Place on File:

1. Lancaster Manor's Monthly Report.
2. Records & Information Management's Monthly Report for May, 2006.
3. Sheriff's Report of Fees for April and May, 2006.

B. Setting of a public hearing for Tuesday, July 11, 2006 at 9:30 a.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding an application for Corporate Manager for Ronald R. Skoda, Sr. relating to a pending Class C (Spirits, Wine, Beer On & Off Sale) liquor license for Ron's Pub, Inc. located at 13940 "O" Street, Suite 8, Lincoln, Lancaster County, Nebraska.

MOTION: Workman moved and Heier seconded approval of the Consent Items. Workman, Hudkins, Heier and Schorr voted aye. Stevens was absent from voting. Motion carried.

7) **PENDING:**

A. County Change of Zone No. 04053, from AG Agricultural District to AGR Agricultural Residential District, requested by Mark Hunzeker on behalf of Wapiti Enterprises, Inc., on property generally located at the southeast corner of Southwest 40th Street and Rokeby Road, Lancaster County, Nebraska. (Remove from pending on October 24, 2006.)

MOTION: Workman moved and Heier seconded to remove County Change of Zone No 04053 from pending and schedule it for consideration on June 27, 2006 at the request of applicant. Workman, Heier, Hudkins and Schorr voted aye. Stevens was absent from voting. Motion carried.

(Commissioner Stevens re-entered the hearing room at 11:23 a.m..)

8) **ADJOURNMENT:**

MOTION: Stevens moved and Workman seconded adjournment of the Board of Commissioners meeting at 11:23 a.m.. Hudkins, Stevens, Heier, Workman and Schorr voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JUNE 20, 2006
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Deb Schorr, Chair
Bob Workman, Vice Chair
Bernie Heier
Larry Hudkins
Ray Stevens

Others Present: Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Patricia Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 11:23 a.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, June 13, 2006.**

MOTION: Workman moved and Hudkins seconded approval of the minutes of the Board of Equalization meeting held on June 13, 2006. Hudkins, Workman, Heier and Schorr voted aye. Stevens abstained. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 9 additions and deductions to the tax assessment rolls per Attachment "A".

MOTION: Hudkins moved and Stevens seconded approval of the additions and deductions to the tax assessment rolls. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

Catholic Bishop of Lincoln
Christian Record Services, Inc.
Gospel Outreach Ministries
Nebraska SPF Swine Accrediting Agency, Inc.
St. Teresa Church
VITAL Services, Inc.

MOTION: Stevens moved and Workman seconded approval of the motor vehicle tax exemptions. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

4) **ADJOURNMENT:**

MOTION: Stevens moved and Workman seconded adjournment of the Board of Equalization meeting at 11:25 a.m.. Workman, Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

Bruce Medcalf
County Clerk